



August 4, 2004 BZA

**STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION**

04AN0318

Hazel W. and Robert F. Toth

**Matoaca Magisterial District
19800 Russwood Road**

- REQUESTS:** I. A ten (10) foot Variance to the forty (40) left and right side yard setback requirement for a dwelling.
- II. A 16.68 foot Variance to the 150 foot lot width requirement.

RECOMMENDATION

Recommend denial of these Variances for the following reasons:

- A. As required by the Zoning Ordinance, there are no conditions upon which the request is based that are unique to the property and are not generally applicable to other properties in the area.
- B. Variances are not in accord with the spirit and intent of the Zoning Ordinance.

GENERAL INFORMATION

Location:

Property is known as 19800 Russwood Road. Tax ID 782-616-Part of 8936 (Sheet 45).

Existing Zoning:

A

Size:

1.9 acres

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North - A; Residential and vacant
South - A; Vacant
East - A; Residential and vacant
West - A; Residential

Utilities:

Private well and septic system

General Plan:

(Matoaca Village Plan)

Residential
(One (1) unit per acre or less)

DISCUSSION

The applicants are proposing to divide a part of the parent parcel to construct a single family dwelling. The applicants have indicated the dwelling will be located thirty (30) feet from the left and right property line (see attached site plan). The Zoning Ordinance requires a forty (40) foot side yard setback. Therefore, the applicants request a ten (10) foot Variance for the left and right side yard setbacks. The applicants also have indicated the lot is 133.32 feet in width. The Zoning Ordinance requires a 150 foot lot width (see attached site plan). Therefore, the applicants request a 16.68 foot Variance.

The applicants provide the following justification in support of this request:

We would like to build a residential home on family owned property. This property is family owned and is the only parcel left with road frontage. There is a smaller road frontage parcel, but it is part of the right of way to the back where my parents still live. We are asking for a Variance so we may build a ranch style home, as this will in the years to come, be our retirement home. We do not want to build a two (2) story home that later in life will not be suitable for us to live in. This will be a home we would not want to sell.

Staff has reviewed the attached site plan and the applicants' proposal. Staff finds that there are no extraordinary circumstances, conditions or physical features that would prohibit adherence to

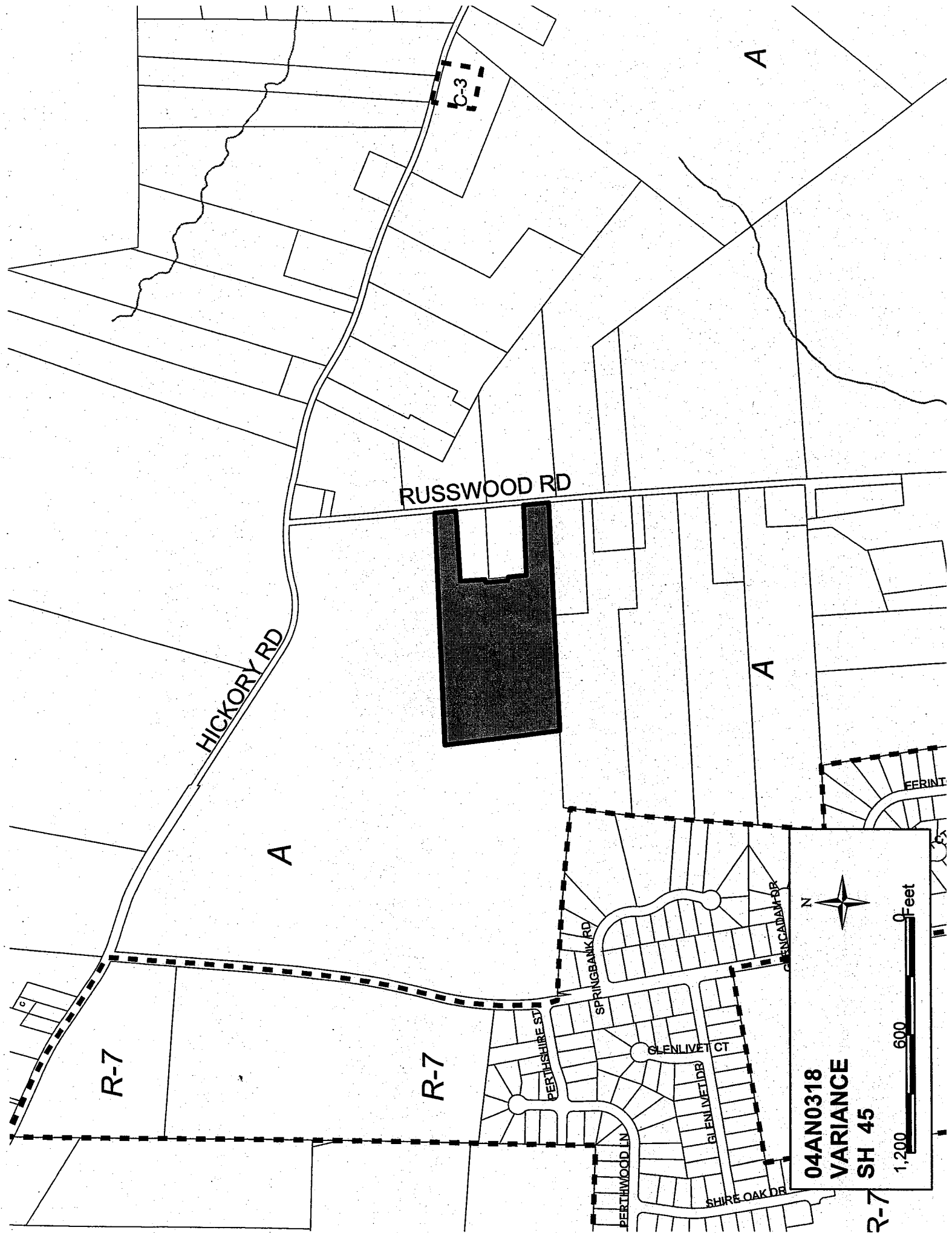
the required setbacks. In addition, it is staff's opinion that an alternative exists to the request. Staff believes the size of the subject property could be slightly enlarged so the property could meet setbacks and eliminate the need for this request.

Because an alternative exists and the applicants have not provided evidence of extraordinary conditions, staff does not support this request.

Should the Board feel that these requests have merit, they should be applicable to the proposed dwelling only. Additions could be constructed to these reduced setbacks. Therefore, staff recommends that each request be subject to the following condition:

CONDITION

This Variance shall be for the proposed dwelling only as depicted on the plat attached to staff's report.



RUSSWOOD RD

HICKORY RD

R-7

R-7

04AN0318
VARIANCE
SH 45



0 Feet
600
1,200

C-3

A

A

FERINT

GLENLIVET CT

SPRINGBANK RD

PERTSHIRE ST

PERTWOOD LN

SHIRE OAK DR

PERCADAM DR

R-7

